

## DEPARTMENT OF SOCIAL SERVICES

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(916) 322-5387



February 8, 1980


## ALL-COUNTY INFORMATION NOTICE I-18-80

TO: ALL COUNTY WELFARE DIRECTORS

## SUBJECT:

## REFERENCE:

Please find attached a copy of a formal Opinion of the Attorney General regarding release of identifying information to a county board of supervisors. This opinion was prepared pursuant to a request from L. B. Elam, County Counsel, County of Sacramento. I believe you will find it to be consistent with current Division 19 regulations.

  
MARION J. WOODS  
Director

Attch.

cc: CWDA  
All County Boards of Supervisors

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

GEORGE DEUKMEJIAN  
Attorney General

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OPINION :  
:   
of : No. 79-815  
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GEORGE DEUKMEJIAN : DECEMBER 20, 1979  
Attorney General :   
:   
ANTHONY S. DAVIGO :   
Deputy Attorney General :   
:   
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THE HONORABLE L. B. ELAM, COUNTY COUNSEL,  
COUNTY OF SACRAMENTO, has requested an opinion on the  
following questions:

1. Do section 10850 of the Welfare and  
Institutions Code and pertinent federal enactments  
prohibit disclosure by a county welfare director to a  
county board of supervisors of names and addresses of,  
or other information concerning applicants or recipients  
of public assistance under the titles of the Social  
Security Act referred to in subdivision (b) of that  
section?

2. Does an applicant for or recipient of  
such public social services impliedly waive his right  
to confidentiality by orally relating to the county  
board of supervisors or a member thereof a charge or  
complaint pertaining to the administration by the county  
welfare department of his application for or receipt of  
services?

3. May a county welfare director disclose  
confidential information from the file of an individual  
applicant for or recipient of such public social services  
to a county board of supervisors or a member thereof upon  
request, where such board or member thereof has received  
an anonymous complaint concerning the administration of  
a specifically identified case?

4. By what means may a county board of supervisors obtain an investigation of the administration of a specifically identified case?

#### CONCLUSIONS

1. Section 10850 of the Welfare and Institutions Code and pertinent federal enactments, by virtue of express provisions relating to "legislative bodies," prohibit the disclosure by a county welfare director to a county board of supervisors of any information which identifies by name or address any applicant for or recipient of public assistance under the titles of the Social Security Act referred to in subdivision (b) of that section.

2. A county welfare director is not authorized to disclose confidential information to the county board of supervisors or a member thereof based on an oral charge or complaint by an applicant for or recipient of such public social services to such board or member pertaining to the administration by the county welfare department of his application for or receipt of services.

3. A county welfare director may not disclose to a county board of supervisors or a member thereof confidential information from the file of an individual applicant for or recipient of such public social services, where such board or member thereof has received an anonymous complaint concerning the administration of a specifically identified case.

4. A county board of supervisors may, unless such authority is otherwise allocated by the county charter, obtain an investigation of the administration of a specifically identified case, by means of directing the county welfare director to conduct such investigation, provided that no information pertaining to an identified applicant for or recipient of such public social services is disclosed to the county board of supervisors.

#### ANALYSIS

The first inquiry is whether section 10850 of the Welfare and Institutions Code 1/ and pertinent

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1. Hereinafter, all section references are to the Welfare and Institutions Code unless otherwise indicated.

federal enactments prohibit disclosure by a county welfare director to a county board of supervisors of names and addresses of, or other information concerning applicants or recipients of public assistance under titles I, IV A, X, XIV, or XVI of the Social Security Act. Section 10850 provides as follows:

"(a) Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this state from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such program. The disclosure of any information which identifies by name or address any applicant for or recipient of such grants-in-aid to any committee or legislative body is prohibited, except as provided in subdivision (b).

"(b) Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving public social services. Any county welfare department in this state may release lists of applicants for, or recipients of, public social services, to any other county welfare department or the State Department of Social Services or the State Department of Health Services, and such lists or any other records shall be released when requested by any county welfare department or the State Department of Social Services or the State Department of Health Services. Such lists or other records shall only be used for purposes directly connected with the administration of public social services. Except for such purposes, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient.

"Any county welfare department, the State Department of Social Services, or the State Department of Health Services may provide the Joint Legislative Audit Committee with access to records of the disbursement of funds or payments, including lists of names of applicants and recipients, under Titles I, IV-A, X, XIV, or XVI of the Social Security Act, and such records shall be released when requested by the committee. The Joint Legislative Audit Committee may use information from such records only for the purpose of investigating the administration of public social services under such titles and reporting the results of any such investigation to the Legislature, and shall not use such information for commercial or political purposes. In any case where disclosure is authorized under this paragraph, the Joint Legislative Audit Committee shall not disclose the identity of any applicant or recipient, except in the case of a criminal or civil proceeding conducted in connection with the administration of public social services.

"However, this section shall not prohibit the furnishing of such information to other public agencies to the extent required for verifying eligibility or for other purposes directly connected with the administration of public social services, or to county superintendents of schools or superintendents of school districts only as necessary for the administration of federally assisted programs providing assistance in cash or in-kind or services directly to individuals on the basis of need. Any person knowingly and intentionally violating the provisions of this subdivision is guilty of a misdemeanor.

"(c) The State Department of Social Services shall inform the Department of Motor Vehicles of the names, birth dates, and addresses of all applicants or recipients of aid to the blind. The Department of Motor Vehicles, upon receipt of such information, shall inform the State Department of Social Services of any such applicant or recipient of aid to the blind who holds a valid California driver's license.

"(d) The State Department of Social Services and the State Department of Health Services may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the laws relating to public social services under their jurisdiction. The rules and regulations shall be binding on all departments, officials and employees of the state, or of any political subdivision of the state and may provide for giving information to or exchanging information with agencies, public or political subdivisions of the state, and may provide for giving information to or exchanging information with agencies, public or private, which are engaged in planning, providing or securing social services for or in behalf of recipients or applicants; and for making case records available for research purposes, provided, that such research will not result in the disclosure of the identity of applicants for or recipients of public social services.

"(e) Any person, including every public officer and employee, who knowingly secures or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public social services for which state or federal funds are made available to the counties is guilty of a misdemeanor.

"(f) The provisions of this section shall be operative only to the extent permitted by federal law." (Emphasis added.)

We have recently observed that this section was enacted to comply with federal law. (62 Ops.Cal.Atty.Gen. 494, 502 (1979).) In this regard, subdivision (f) assures that "[t]he provisions of this section shall be operative only to the extent permitted by federal law." Prior to 1975, neither section 10850 nor the concomitant federal provisions restricting disclosure of information contained any specific reference to legislative bodies or committees. (62 Ops.Cal.Atty.Gen. 494, 497 (1979).) In August 1975, title 42, United States Code section 602(a)(9) was amended to provide specifically that a state plan for aid and

services to needy families with children must provide safeguards which "shall prohibit disclosure, to any committee or a legislative body, of any information which identifies by name or address any such applicant or recipient . . . ." (89 Stat. 436; Pub.L. 94-88, § 207.)

The effect of this express prohibition is significantly limited under the terms of the "Jenner Amendment," title 42, United States Code section 1306a, which provides:

"No State or any agency or political subdivision thereof shall be deprived of any grant-in-aid or other payment to which it otherwise is or has become entitled pursuant to title I (other than section 3(a)(3) thereof), IV, X, XIV, or XVI (other than section 1603(a)(3) thereof) of the Social Security Act, as amended [subchapter I (other than section 303(a)(3) thereof), IV, X, XIV, or XVI (other than section 1383(a)(3) thereof) of this chapter], by reason of the enactment or enforcement by such State of any legislation prescribing any conditions under which public access may be had to records of the disbursement of any such funds or payments within such State, if such legislation prohibits the use of any list or names obtained through such access to such records for commercial or political purposes."

Thus, under these federal provisions, disclosure to any legislative body of any information which identifies by name or address any applicant or recipient of federal aid to needy families with children is prohibited, provided, however, that records of disbursement, including names, addresses, and amounts received by each recipient may be disclosed pursuant to state legislation if such legislation prohibits the use of such information for commercial or political purposes. (Cf. 62 Ops.Cal.Atty. Gen. 494 (1979).)

In September 1975, one month after the amendment of section 602(a)(9) of title 42, United States Code, the California Legislature amended section 10850 to provide that "[t]he disclosure of any information which identifies by name or address any applicant for or recipient of such grants-in-aid to any committee or Legislature is prohibited." (Stats. 1975, ch. 924, § 1.)

In 1978, section 10850 was further amended. (Stats. 1978, ch. 246, § 1.) The specific reference to the Legislature was amended to provide that "[t]he disclosure of any information which identifies by name or address any applicant for or recipient of such grants-in-aid to any committee or legislative body is prohibited, except as provided in subdivision (b)." (Emphasis added.) In conjunction with this change, the second paragraph of subdivision (b) pertaining to the Joint Legislative Audit Committee was added. This provision relating to the Joint Legislative Audit Committee is the sole reference in section 10850 to any legislative body or committee.

In view of the foregoing, it is apparent that the Legislature did not intend to authorize disclosure of information to any legislative body other than the Joint Legislative Audit Committee. First, except for the specific reference to the Joint Legislative Audit Committee, the other provisions of section 10850 as amended in 1975 remain substantially unchanged by the 1978 amendments. Since the 1975 enactment prohibited disclosure of such information "to any committee or Legislature" without exception, it is reasonable to infer that such other provisions of section 10850 were not intended to authorize such disclosure. In conjunction with the 1978 amendment expressly providing for an exception as provided in subdivision (b), the only substantial amendment was the specific reference to the Joint Legislative Audit Committee. The absence of any other specific references indicates that no other exception to the general prohibition was intended. Second, the language of the second paragraph of subdivision (b) pertaining to the Joint Legislative Audit Committee clearly reflects the Legislature's awareness of federal limitations regarding any such disclosure of information to the public generally or to a legislative body in particular. As previously discussed, the effect of the federal amendments of 1975 is to limit any such disclosure to records of disbursement, and only as authorized by state legislation prohibiting the use thereof for commercial or political purposes. (Cf. 45 C.F.R., § 205.50, par. (e).) 2/ Both of these

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2. Although section 602(a)(9) of title 42, United States Code, pertains to the Aid to Families with Dependent Children program (part A of tit. IV of the Social Security Act), it is clear that section 10850 which pertains generally to "the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this



limitations are contained in the second paragraph of subdivision (b) of section 10850. If the Legislature had intended to authorize disclosure to any other legislative bodies or committees, it is reasonable to assume that similar limitations would have been imposed. In the absence of any such incorporation of federally mandated limitations, such an intent is contraindicated. It follows that the general references in section 10850 relating to the furnishing of such information to "other public agencies" (subd. (b)) and to the giving or exchange of information with "agencies, public or political subdivisions of the state" (subd. (d)), do not authorize disclosure to any legislative body or committee of any such public agency or political subdivision.

The application of these principles to the subject inquiry is not simplistic. The statutes commencing with section 10800 pertaining to the responsibility and authority of the county board of supervisors with respect to the administration of public social services, are set forth below in connection with the fourth inquiry. Thus, while the county board of supervisors is clearly a legislative body (Gov. Code, §§ 25120, 50002), it is, with respect to the programs referred to in section 10850, an integral part of the administrative process. (Cf. Ross v. Superior Court (1977) 19 Cal.3d 899, 907.) It is, of course, well settled that where the state has acted to establish the basic policy and has vested the responsibility for local implementation of state policy in a board of supervisors as the state's designated agent, the action by the board of supervisors assumes an administrative rather than a legislative character. (Friends of Mount Diablo v. County of Contra Costa (1977) 72 Cal.App.3d 1006, 1010-1011; Hughes v. City of Lincoln (1965) 232 Cal.App.2d 741, 744-745; Simpson v. Hite (1950) 36 Cal.2d 125, 130-131; and cf. Hubbs v. People ex rel. Dept. Pub. Wks. (1974) 36 Cal.App.3d 1005, 1008-1009; 52 Ops.Cal. Atty.Gen. 215, 217 (1969); 40 Ops.Cal. Atty.Gen. 73, 74 (1962).)

The provisions of subdivision (a) of section 10850 prohibit disclosure "for any purpose not directly connected with the administration of such program . . . ."

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2. (Continued.)

state from the United States government," was amended to comply with the particular requirements of section 602(a)(9).

(Emphasis added.) (Cf. 41 Ops.Cal.Atty.Gen. 51, 53 (1963); 22 Ops.Cal.Atty.Gen. 224, 225 (1954).) Similarly, under title 42, United States Code section 602(a)(9) a state plan must provide safeguards "which restrict the use or disclosure of information concerning applicants or recipients to purposes directly connected with . . . the administration of the plan . . . ." (Emphasis added.) The question, then, is whether the prohibition against disclosure to legislative bodies or the authority to disclose information for purposes of administration, applies to an agency exercising a dual function.

If section 10850 were considered apart from the federal provisions, it could be reasonably contended in favor of disclosure that the Legislature did not intend to confer administrative responsibility upon the county board of supervisors while denying it access to information which may be deemed pertinent to the exercise of such responsibility. However, the state statute must not be construed independently, but in conjunction with the federal provisions. (Cf. Pearson v. State Social Welfare Board (1960) 54 Cal.2d 184, 214.) No expression of intent or indication of awareness on the part of Congress has been discerned with regard to agencies which partake of a dual role. Nevertheless, the solution to the problem is, in our view, compelled by the plain and unequivocal nature of the statutory language. If information were disclosed to a legislative body for purposes directly connected with the administration of a plan, then the express prohibition against disclosure "to any committee or a legislative body" would, with respect to any such committee or body having any administrative responsibility, have been wholly circumvented. Moreover, if the prohibition regarding disclosure to a legislative body or committee were applicable only to functions not directly connected with administration, then the specific reference to such bodies would be superfluous, since such prohibition for nonadministrative functions is otherwise provided.

Section 10850 is not inconsistent with the federal provisions. Its prohibitory language is specific and universal, except as otherwise expressly provided. It is significant that the Legislature, in apparent recognition of the limitations imposed upon legislative bodies, provided that the administrative and executive duties pertaining to public social services imposed upon the county board of supervisors shall be performed by the county welfare director, subject only to the general direction and supervision of the board. (§ 10803(c); see discussion, infra.)

The holding in Ross v. Superior Court, supra, 19 Cal.3d 899, that in spite of the status of each member as an elected representative, the administrative functions of a board of supervisors are not immune from judicial process, does not contraindicate the conclusion reached herein. There is nothing in section 10850 to demarcate a narrower application than the range of governmental functions performed by the county board of supervisors; although the board performs legislative, executive and even quasi-judicial functions, it is nonetheless a legislative body. (Cf. Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App.2d 41, 47.) Information cannot be disclosed to a board in its administrative capacity while being withheld from it in its legislative capacity.

Finally, a contrary interpretation of section 10850 would be in conflict with federal law. To the extent that state statutes permit greater access than allowed under federal law, they are invalid. (62 Ops.Cal. Atty.Gen. 494, 503 (1979).) Having elected to participate in the federal social welfare program, a state must comply with the mandatory requirements established by the Social Security Act and implemented by regulations promulgated by the Department of Health, Education and Welfare. (Ogdon v. Workmen's Comp. Appeals Bd. (1974) 11 Cal.3d 192, 199; County of Alameda v. Carleson (1971) 5 Cal.3d 730, 739; Camp v. Swoap (1979) 94 Cal.App.3d 733, 743.) A state standard which is in conflict with the Social Security Act is invalid under the Supremacy Clause. (Carleson v. Remillard (1972) 406 U.S. 598, 600-601; Townsend v. Swank (1971) 404 U.S. 282, 286.)

It is concluded that section 10850 and pertinent federal enactments prohibit disclosure by a county welfare director to a county board of supervisors of any information which identifies by name or address any applicant for or recipient of public assistance under titles I, IV A, X, XIV, or XVI of the Social Security Act.

The second inquiry is whether an applicant for or recipient of such public social services impliedly waives his right to confidentiality by orally relating to the county board of supervisors or a member thereof a charge or complaint pertaining to the administration by the county welfare department of his application for or receipt of services. It has been observed that the federal disclosure restrictions are an expression of congressional concern with the legitimate privacy interests of recipients of public social services. (Cf. Jaffess v. Secretary, HEW

(1975) 393 F.Supp. 626, 629.) Section 10850, subdivisions (a) and (b) clearly reflect the Legislature's objective of limiting disclosure of "confidential" information. For information to be confidential as that term is usually interpreted would require an intent on the part of the applicant or recipient that such information be so regarded. (Jonon v. Superior Court (1979) 93 Cal.App.3d 683, 692, mod., 93 Cal.App.3d 723 b and c.) Similar restrictions against disclosure of information pertaining to a taxpayer's return (Rev. & Tax. Code, § 19282) have been held to create a privilege in favor of the taxpayer. (Brown v. Superior Court (1977) 71 Cal.App.3d 141.) Moreover, the taxpayer may waive such privilege, at least with respect to those documents or copies within his possession. (See Wilson v. Superior Court (1976) 63 Cal.App.3d 825, 828.) Under these cases it would appear that the recipient may, in the absence of any countervailing public policy or statutory constraints, waive any privilege which he may have with respect to such documents.

Nevertheless, the question remains whether the county welfare director has an independent privilege with regard to "official information" in his custody which was received in confidence, and as to which disclosure is specifically prohibited by state or federal law. (Evid. Code, § 1040(b)(1).) In Richards v. Superior Court (1968) 258 Cal.App.2d 635 pertaining to the confidentiality provisions of sections 1094, 1095, 2111, and 2714 of the Unemployment Insurance Code, it was determined that the government agency had an independent real interest in nondisclosure which could not be waived by the taxpayer. The case involved a personal injury action in which defendants sought disclosure of medical records of the Department of Employment pertaining to plaintiff's claim for disability insurance benefits. The court stated (id., at p. 638):

"Where, as in the instant case, the disclosure is, in fact, sought by and for the benefit of the personal injury defendant, the public agency has a real interest in nondisclosure. The agency wants its applicant to give the doctor a full, complete and honest report and examination should not be impeded by the applicant's fear that something she says there may be used against her in some later lawsuit. In such a case, whether a statute prohibits disclosure is a matter of interpretation of that statute as applied to the case in which disclosure is sought. [footnote omitted]"

(And cf. Chronicle Pub. Co. v. Superior Court (1960) 54 Cal.2d 548, 570, relating to State Bar records.) The issue presented, however, is whether the applicant or recipient of public social services may, for his own benefit, 3/ seek disclosure in order to resolve a dispute pertaining to the administration of such services in his case. Under these circumstances, we perceive no independent real interest of the government agency in nondisclosure insofar as the information provided solely by the recipient is concerned. The government agency does, on the other hand, have such an interest in the integrity, both as to substance and scope, of information provided confidentially by third persons.

In any event, the express provisions of section 10850.2 are, in our view, dispositive.

"Notwithstanding the provisions of Section 10850, factual information relating to eligibility provided solely by the public assistance recipient contained in applications and records made or kept by any public officer or agency in connection with the administration of any public assistance program shall be open for inspection by the recipient to which the information relates and by any other person authorized in writing by such recipient. The written authorization shall be dated and signed by such recipient and shall expire one year from the date of execution. In the event of any hearing under the provisions of this division, the attorney or authorized representative of the applicant or recipient shall be entitled to inspect the case record relating to the applicant or recipient prior to, as well as during, the hearing. No list or names obtained through such access to such records or applications as provided in this section shall be used for any commercial or political purposes."

Thus, information provided solely by the recipient must be disclosed by the public officer or agency to such recipient and to any third person authorized in writing

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3. In Richards the court expressly reserved the question as to whether the personal injury plaintiff could have compelled disclosure for her own benefit. (258 Cal.App.2d 638, fn. 2.)

by such recipient. 4/ It is clear, therefore, that the government agency has no privilege with respect to such information. However, the release of such information to third persons may be made only upon a written authorization. Consequently, the county welfare director is not authorized to release such information to a member of the county board of supervisors based on a mere oral charge or complaint by the recipient to the board member. Nor may any information not provided solely by the recipient be disclosed to the recipient or to a third person with or without written authorization, except as otherwise provided in connection with a hearing. 5/

The third inquiry is whether a county welfare director may disclose confidential information from the file of an individual applicant for or recipient of such public social services to a county board of supervisors or a member thereof upon request, where such board or member has received an anonymous complaint concerning the administration of a specifically identified case. The prohibition against disclosure of information to a legislative body necessarily includes each of its members. Thus, in 62 Ops.Cal.Atty.Gen. 494 (1979), we concluded that the disclosure of certain information to an officer of a legislative committee is prohibited. Except as otherwise provided in section 10850.2, supra, the disclosure by a county welfare director to a county board of supervisors or a member thereof of confidential information from the file of a specifically identified applicant for or recipient of such public social services is prohibited by state and federal law, as hereinabove set forth.

The final inquiry concerns the means, if any, by which a county board of supervisors may obtain an investigation of the administration of a specifically identified case. We first set forth the statutes prescribing the comparative roles of the county board of supervisors and the county welfare director. Section 10800 provides:

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4. The Information Practices Act does not preclude such release of information to third persons pursuant to such written authorization. (Civ. Code, § 1798.24(b).)

5. The Public Records Act does not compel release of information the disclosure of which is prohibited by state or federal law. (Gov. Code, § 6254(k).)

"Subject to the provisions of Section 11050 and Chapter 3 (commencing with Section 12000) of Part 3, the administration of public social services in each of the several counties of the state is hereby declared to be a county function and responsibility and therefore rests upon the boards of supervisors in the respective counties pursuant to the applicable laws, and in the case of public social services for which federal or state funds are provided, subject to the regulations of the department and the State Department of Health Services.

"For the purpose of providing for and carrying out this function and responsibility, the board of supervisors of each county, or other agency as may be otherwise provided by county charter, shall establish a county department, unless otherwise provided by the county charter. Except as provided herein, the county department shall be the county agency for the administration of public social services and for the promotion of public understanding of the public social services provided under this code and the problems with which they deal." (Emphasis added.)

Section 10801 provides:

"A county director shall be appointed in each county by the board of supervisors or other agency designated by county charter, subject to either local merit system standards or to standards prescribed under the merit system administered by the State Personnel Board.

"The county director shall at all times be under the general direction and supervision of the board of supervisors, unless otherwise provided by county charter." (Emphasis added.)

Section 10802 provides:

"The county director shall, for and in behalf of the board of supervisors, have full charge of the county department and the responsibility for administering and enforcing

the provisions of this code pertaining to public social services under the regulations of the department and the State Department of Health Services. He shall abide by all lawful directives of the department and the State Department of Health Services, transmitted through the board of supervisors."  
(Emphasis added.)

Section 10803 provides:

"The county director shall:

"(a) Serve as the executive and administrative officer of the county department. The county director may delegate his powers and functions to any member of his staff.

"(b) Establish such administrative units as he may deem necessary or desirable for the proper and efficient administration of the county department, and employ such personnel as may be authorized subject to merit system regulations and the state standards established pursuant to Section 19801 of the Government Code.

"(c) Perform such other duties as may be prescribed by law, and, except for Section 10801, such other administrative and executive duties pertaining to the public social services as may, by other provisions of law, be imposed upon the board of supervisors.

"(d) Perform such other duties as may be prescribed by the board of supervisors."  
(Emphasis added.)

Section 10809 provides:

"The county department shall administer the public social services authorized or permitted under the applicable portions of this code in accordance with the regulations of the department and the State Department of Health Services.

"The county department shall make such reports to the appropriate department as may be required." (Emphasis added.)



While section 10800 provides generally that the responsibility for the administration of public social services rests upon the board of supervisors, it also provides specifically that for the purpose of carrying out such responsibility the board of supervisors shall establish a county department which "shall be the county agency for the administration of public social services." Section 10802 provides that the director of the county department shall "have full charge of the county department and the responsibility for administering and enforcing the provisions of this code pertaining to public social services under the regulations of the department and the State Department of Health Services." Section 10801 describes the function of the board of supervisors in terms of "general direction and supervision" over the county director. The latter term does not contemplate control. (Cf. People v. Brophy (1942) 49 Cal.App.2d 15, 28.) While the scope of the term "supervision" is impossible to delineate, it is not generally understood to encompass authority to control activities expressly conferred by law upon a department, board, or commission. (Cf. 40 Ops.Cal.Atty.Gen. 145, 149 (1962); and see Hicks v. Board of Supervisors (1977) 69 Cal.App.3d 228, 242.)

This statutory scheme reflects the basic limitations on the administrative role of the county board of supervisors and is not inconsistent with the denial of access to individual case files. Nevertheless, the power of general direction and supervision encompasses, in our view, the authority to direct the county welfare director to conduct an investigation of the administration of a particular file. Thus, the county board of supervisors is authorized, unless otherwise provided by the county charter (see § 10801), to obtain an investigation of the administration of a specifically identified case, by directing the county welfare director to conduct such investigation, provided that no information pertaining to an identified applicant for or recipient of such public social services is disclosed to the county board of supervisors.

The foregoing discussion is concerned specifically with the authority of the county board of supervisors and is not intended to preclude alternative sources of investigation by such other local, state, or federal agencies as may be empowered to conduct such investigation. In this regard, section 10850, subdivision (b) expressly provides for the release of information to the State Department of Social Services (cf. §§ 10602, 10613), and to "other public agencies to the extent required for verifying eligibility

or for other purposes directly connected with the administration of public social services . . . ." (Cf., e.g., § 11478.)

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